

Case 12-cv-1365 UNITED STATES COURT OF APPEALS Page 1 of 1 PageID #: 235

# MANDATE

FOR THE  
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 3<sup>rd</sup> day of December, two thousand and thirteen.

Before: John M. Walker, Jr.,  
José A. Cabranes,  
Barrington D. Parker,  
*Circuit Judges.*

Todd C. Bank, individually and on behalf of all others similarly situated,

Plaintiff - Appellant,

**JUDGMENT**  
Docket No. 13-1746

v.

Independence Energy Group LLC, Independence Energy Alliance LLC,

Defendants - Appellees.

The appeal in the above captioned case from a judgment of the United States District Court for the Eastern District of New York was submitted on the district court record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the judgment of the district court is VACATED and the cause is REMANDED for further proceedings in accordance with the opinion of this court.

For The Court:

Catherine O'Hagan Wolfe,

Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

*Catherine O'Hagan Wolfe*



*Catherine O'Hagan Wolfe*

**MANDATE ISSUED ON 01/08/2014**